REMARKS

Claims 1-6, 9-17, 28, and 30-35 are now pending in the application. Applicant acknowledges that claims 1-6, 9-17, 28 and 30-35 are allowed and that claims 12-16 are allowable if rewritten to overcome the rejections under 35 USC §112, 2nd paragraph. **Request For Withdrawal Of Finality Of Office Action**

Applicant respectfully requests withdrawal of the finality of the Office Action because the Office Action presents new grounds for rejection of claims 10, 11 and 17.

In the present Office Action, claims 10-11 and 17 are rejected under 35 USC §102(b) and 35 USC §103(a) as being anticipated by, or obvious in view of, Nicklas at al. (4,901,750). In the First Office Action, the examiner discusses Nicklas et al. as "prior art made of record and not relied upon".

In addition, there were no prior art rejections of claim 11 in the First Office Action. Claim 11 was only rejected under 35 USC §112, 1st paragraph. Therefore, the present rejections of claim 11 under 35 USC §102(b) and §103(a) are new grounds of rejection.

In view of the new grounds for rejection presented in the present Office Action, applicant respectfully requests withdrawal of the finality of the present Office Action.

REJECTION UNDER 35 U.S.C. § 112

Claims 10 -11 are rejected under 35 U.S. C. §112, first paragraph as failing to comply with the written description requirement. The examiner asserts that claim 11 recites a single valve inlet port and that the control port of both moveable disks have control ports to selectively align with the same valve inlet port. Applicant respectfully disagrees.

The present invention provides a water faucet having a valve cartridge disposed between an inlet and an outlet of the water faucet. The valve cartridge includes bottom portion 20 that

communicates with water supplies 22, 24 as seen in Figures 5 and 6. As disclosed on pages 5-6, paragraph 0020, the valve cartridge includes a first moveable disk 50 having a first control port 66c and a first pass-through port 64h, both in communication with the valve bottom 20, and a second moveable disk 52 having a second control port 66h and second pass-through port 64c, both in communication with the valve bottom 20. As disclosed on pages 11-12 in paragraphs 0031 and 0032, the first control port 66c aligns with the inlet bore 16c while the pass-through port 64h allows water from the inlet bore 16h to flow through the first disk 50 irrespective of its angular position. In similar fashion, the control port 66h of the second disk aligns with the inlet bore 16h while the pass-through port 64c allows water from the inlet bore 16c to flow through the second disk irrespective of its angular position. Applicant submits that the specification discloses the invention at least sufficiently for one of ordinary skill in the art to understand and practice the invention. Accordingly, applicant respectfully requests reconsideration of the rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 10-11 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over Nicklas et al (4,901,750).

Independent Claim 10, as amended, requires first and second inlet ports and first and second movable disks, with each disk including a control port and a pass-through port. Each control port can be selectively aligned with one of the input ports, while its respective pass-through port must remain aligned with the other inlet port regardless of the alignment or non-alignment of its respective control port.

Nicklas et al. do not teach or suggest two movable disks that have pass-through ports that remain aligned with input ports regardless of the alignment or non-alignment of control ports. Insead, Nicklas et al. disclose a first disk 58 with ports 56 that align with inlet ports 42, 44. However, ports 56 move together into or out alignment with the inlet ports 42, 44. Neither of the ports 56 remain aligned with one of the ports 42, 44 regardless of the alignment of the other port 56 with the other inlet port 44, 42. Moreover, insofar as the disk 58 turns the flow on and off without regard to temperature, there is no motivation to change disk 58 to include a pass-through port as in the claimed invention. Accordingly, Nicklas et al. do not anticipate or obviate claim 10.

Claims 10 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scheuermann. Applicant respectfully disagrees with the examiner.

Independent Claim 10, as amended, requires first and second inlet ports and first and second movable disks, with each disk including a control port and a pass-through port. Each control port can be selectively aligned with one of the input ports, while its respective pass-through port must remain aligned with the other inlet port regardless of the alignment or non-alignment of its respective control port.

Scheuermann does not teach control ports and pass-through ports, as claimed. Rather, Scheuermann teaches a rotatable volume selector disk that rotates to increase/decrease the volume flow through the valve. In order to turn off the faucet, Scheuermann's volume disk must be rotated to move apertures 18 out of alignment with the inflow openings 9. Therefore, Scheuermann lacks a pass-through port, as claimed, and fails to anticipate claim 10.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections.

Respectfully submitted,

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